

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Harry Barnum,

Case No.: 15-16900
Judge: ABA
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- | | | |
|---|--|--|
| <input type="checkbox"/> Original | <input checked="" type="checkbox"/> Modified/Notice Required | <input checked="" type="checkbox"/> Discharge Sought |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required | <input type="checkbox"/> No Discharge Sought |

Date: 04/10/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 200.00 per month to the Chapter 13 Trustee, starting on May 1, 2017 for approximately 36 mths for 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☒ Other information that may be important relating to the payment and length of plan:

Debtor paid \$ 4,600.00 to date.

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Isabel C. Balboa, Trustee	Administrative Expenses	10% Estimated in Plan
Kimberly A. Wilson, Esquire	Attorney Fees	\$3,975.00 supp fees sought (\$ 3,500.00 Paid to Date)

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Cenlar	Residence	\$54,422.12	n/a	\$0.00 (loan mod granted)	\$1,108.30 (P&I)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
Toyota Financial Services-Auto Loan-current & paid outside plan

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☒ Not less than 100 percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Attorney Fees to Kimberly A. Wilson, Esquire
- 3) Secured Claims
- 4) Priority, and unsecured, if any.

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 4/16/2015.

Explain below **why** the plan is being modified:

1. Loan modification with Cenlar granted.

Explain below **how** the plan is being modified:

1. Arrears removed from part 4(a).

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 04/10/2017

/s/Kimberly A. Wilson
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 04/10/2017

/s/Harry Barnum
Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Harry W. Barnum
 Debtor

Case No. 15-16900-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 16

Date Rcvd: Apr 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 19, 2017.

db	+Harry W. Barnum, 2 Willet Court, Erial, NJ 08081-1318
aty	+Phelan Hallinan & Schmieg, 400 Fellowship Road Ste 100, MT Laurel, NJ 08054-3437
cr	+CENLAR FSB SERIVCER FOR NEW JERSEY HOUSING AND MOR, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
cr	+Cenlar, FSB, PO Box 77408, Ewing, NJ 08628-6408
cr	+NEW JERSEY HOUSING AND MORTGAGE NEW JERSEY HOUSING, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
515450730	Capital One Bank, PO Box 30285, Salt Lake City, UT 84130-0285
515450731	+Cenlar, PO Box 77404, Ewing, NJ 08628-6404
515450732	+New Jersey Housing & Mortgage Finance Ag, 637 South Clinton Avenue, Trenton, NJ 08611-1811
515694942	+New Jersey Housing and, Mortgage Finance Agency, Cenlar FSB, 425 Phillips Blvd., Ewing, NJ 08618-1430
515450733	+Phelan, Hallinan & Diamond, PC, 400 Fellowship Rd Ste 100, Mt. Laurel, NJ 08054-3437
515450734	Toyota Financial Services, PO Box 790069, St. Louis, MO 63179-0069
515638699	+Toyota Motor Credit Corporation, PO Box 9013, Addison, TX 75001-9013

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

smg	E-mail/Text: usanj.njbankr@usdoj.gov Apr 17 2017 23:06:23 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Apr 17 2017 23:06:21 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
515514584	E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 17 2017 23:07:47 American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941, Oklahoma City, OK 73126-8941
515610766	+E-mail/Text: bankruptcy@cavps.com Apr 17 2017 23:06:37 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340

TOTAL: 4

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
 cr* +TOYOTA MOTOR CREDIT CORPORATION, PO Box 9013, Addison, TX 75001-9013

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 19, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 13, 2017 at the address(es) listed below:

Andrew L. Spivack	on behalf of Creditor	Cenlar, FSB nj.bkecf@fedphe.com
Denise E. Carlon	on behalf of Creditor	Toyota Motor Credit Corporation dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Isabel C. Balboa	on behalf of Trustee	Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa	ecfmail@standingtrustee.com,	summarymail@standingtrustee.com
Isabel C. Balboa (NA)	on behalf of Trustee	Isabel C. Balboa ecfmail@standingtrustee.com
John Philip Schneider	on behalf of Creditor	CENLAR FSB SERIVCER FOR NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY nj.bkecf@fedphe.com
Kimberly A. Wilson	on behalf of Debtor	Harry W. Barnum wilson.schroedinger@comcast.net
Melissa N. Licker	on behalf of Creditor	TOYOTA MOTOR CREDIT CORPORATION NJ_ECF_Notices@buckleymadole.com
Nicholas V. Rogers	on behalf of Creditor	NEW JERSEY HOUSING AND MORTGAGE NEW JERSEY HOUSING AND MORTGAGE nj.bkecf@fedphe.com

TOTAL: 9